

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROLANDO OBANDO,

Plaintiff,

vs.

HOWARD SKOLNIK, et al.,

Defendants.

3:08-CV-443-ECR (RAM)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Edward C. Reed, Jr., Senior United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

BACKGROUND

On July 7, 2009, the court sent Plaintiff its Screening Order (Doc. #14) which has been returned, with the notation "Paroled - DSC 5-1-09" (Doc. #15). The court's orders dated July 27, 2009, and August 19, 2009, were also returned, with the notation on the envelopes stating "Paroled" (Doc. Nos. 17 and 23).

It appears that the Plaintiff has left the prison system without informing the court of his change of address. LSR 2-2 provides that failure to notify the court of a change of address "may result in dismissal of the action with prejudice."

On August 28, 2009, Defendants filed their Motion to Dismiss (Doc. #24) and Plaintiff has failed to oppose the Motion.

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1 Under these circumstances the court should grant Defendants' Motion to Dismiss
2 (Doc. #24) and dismiss this action with prejudice.

3 **RECOMMENDATION**

4 **IT IS HEREBY RECOMMENDED** that the District Court enter an Order
5 **GRANTING** Defendants' Motion to Dismiss (Doc. #24).

6 The parties should be aware of the following:

7 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the
8 Local Rules of Practice, specific written objections to this Report and Recommendation within
9 ten (10) days of receipt. These objections should be titled "Objections to Magistrate Judge's
10 Report and Recommendation" and should be accompanied by points and authorities for
11 consideration by the District Court.

12 2. That this Report and Recommendation is not an appealable order and that any
13 notice of appeal pursuant to Rule 4(a)(1), Fed. R. Civ. P., should not be filed until entry of the
14 District Court's judgment.

15 DATED: September 16, 2009.

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UNITED STATES MAGISTRATE JUDGE